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OCT 05 2001

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18 EDWARD SMITH: Good afternoon. My name is  
19 Edward Smith, although most people know me as Tito, and  
20 I'm the chairman of the Chemehuevi Indian Tribe. Our  
21 tribe is part of the Southern Paiute Nation and a member  
22 tribe of the Consolidated Group of Tribes and  
23 Organizations. Our people, along with other Southern  
24 Paiute tribes and Western Shoshone and Owens Valley  
25 Paiute peoples, have lived, traveled, worked, raised

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1 children, worshipped, harvested plants, animal, water  
2 and mineral resources and died in these lands for  
3 thousands of years. Our people were created on these  
4 lands. Our Creator gave us the sacred responsibility to  
5 live on, use and care for the land and all of its  
6 resources so that future generations would benefit from  
7 the many gifts that they provide to sustain life. These  
8 lands are part of our people and we are part of these  
9 lands. The two are connected as one and that connection  
10 is everlasting, even though we have been forced  
11 throughout history to give up and move away from many  
12 areas of our traditional homeland. This land is and  
13 will always be Indian land -- Chemehuevi, Paiute and  
14 Shoshone land.

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15           We have been asked yet again to come to a  
16 meeting and voice our comments on the Yucca Mountain  
17 project. Today we have been asked to comment on the  
18 preliminary site suitability evaluation report for the  
19 proposed Yucca Mountain repository so that the Secretary  
20 of Energy may consider whether or not to recommend Yucca  
21 Mountain as the repository site to the president.

22           I appreciate being invited to this meeting  
23 and having another opportunity to comment on the  
24 proposed repository at Yucca Mountain. I have  
25 appreciated the efforts of the Department of Energy to

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1 consult with our tribe and other tribes over the past  
2 fourteen years as part of the project, its studies and  
3 Environmental Impact Assessment process. I have been  
4 pleased that project studies have included taking our  
5 leaders, elders and representatives to many places in  
6 the Yucca Mountain area to see again, after many years  
7 of being prohibited from visiting, the places where our  
8 ancestors lived, worked, visited with each other and  
9 held ceremonies. These studies have enabled our people  
10 to reconnect with many ancestral places and things, have  
11 allowed our elders to talk to the land and resources

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12 and the spirits who dwell within them and have given our  
13 leaders and representatives the opportunity to tell the  
14 government why this land, those places and all of those  
15 things are so important to us.

16 We have been telling the government about  
17 importance of Yucca Mountain area to our people since  
18 1987. During every study, at every meeting, we tell the  
19 government the same thing. Today I tell you the same  
20 thing yet again.

21 Yucca Mountain is sacred to our people. It  
22 is part of the lands that our Creator gave to us. It is  
23 a powerful place. We have been prevented from using it  
24 and caring for it. The government has disturbed the  
25 area for half a century. Archaeologists have removed

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1 thousands of objects that were left by our ancestors;  
2 they were supposed to be left there. They are  
3 offerings to the land, but archaeologists call them  
4 scatters, drops or caches.

5 Digging into the mountain and storing  
6 unnatural man-made by-products of science that produce  
7 dangerous energy and power is in our view an  
8 inappropriate use of the mountain. We believe that  
9 Yucca Mountain will become unhappy and angry if you put

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10 radioactive waste into it. The spirits living in the  
11 area will move away and eventually the land will be  
12 unable to sustain plants, animals, water, air, people  
13 and life.

14 I am unable to comment in any detail on the  
15 information in the site suitability evaluation report.  
16 I do not have a degree in geology or nuclear physics and  
17 this report seems to have been written by government  
18 scientists for other scientists. I do not know how the  
19 Department of Energy could expect meaningful and useful  
20 comments from the general public on a document that is  
21 nearly incomprehensible to anyone but a scientific  
22 expert in any of those fields.

23 I am concerned that no effort was made to  
24 produce a companion document that the average lay person  
25 could easily read and understand, despite our previous

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1 comments concerning the need for financial and/or  
2 technical assistance to the tribes in order to have at  
3 least some minimal understanding of the science,  
4 assumptions, methods, and models used to reach the  
5 conclusions provided in the report. The Executive  
6 Summary concludes that potential radiation releases

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7 predicted as resulting from hypothetical model scenarios  
8 involving seismic activity, volcanism, human intrusion  
9 and other processes or events will fall below EPA and  
10 NRC standards. Moreover, these predictions are modeled  
11 over a period of between 100 to 10,000 years.  
12 Similarly, the probability of hypothetical events and  
13 processes are calculated to be minimal or remote  
14 possibilities at worst.

15 I do know that models are just that --  
16 models -- based on assumptions, scientific guesses and  
17 degrees of uncertainty. Meteorologists are often unable  
18 to forecast tomorrow's or next week's weather with  
19 absolute certainty. How are we to have confidence in  
20 100 to 10,000 year forecasts and predictions? The  
21 degrees of uncertainty increase the longer the period  
22 that is modeled. Can the confidence level in these  
23 hypothetical results really be sufficiently high? Can  
24 we be sure that all of the variables have been accounted  
25 for? Given the tragic events of September 11, has there

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1 been any consideration of a scenario in which a deranged

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2 terrorist flies a 747 into the filled repository in 20,  
3 50 or 75 years? Or somehow smuggles an explosive device  
4 into a tunnel or attaches a bomb to a waste container as  
5 it is being transported across Indian reservations or  
6 urban center lands?

7       The fact that humans are building the  
8 repository, that there are a series of faults under and  
9 around Yucca Mountain, that no permanent container for  
10 such volatile materials has ever been developed, that  
11 humans will be transporting this material across the  
12 country in trucks and trains, that waste will be  
13 accepted from other countries and any number of other  
14 possibilities that models are unable to account for,  
15 convince me that the risks and uncertainties associated  
16 with this kind of repository are simply too high.

17 Remember Chernobyl and Three Mile Island. For these  
18 reasons, as well as the religious and cultural  
19 importance of the area to our people, the Chemehuevi  
20 Indian Tribe remains opposed to the repository being  
21 built at Yucca Mountain.

22       Having said that, I am also convinced this  
23 repository will be built at Yuca Mountain, despite  
24 repeatedly expressed opposition to it on religious and  
25 cultural grounds by my tribe and other Indian tribes. I

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1 do not believe that billions of dollars and decades of  
2 time invested into studying the suitability of a single  
3 site, reduced from three or more alternative locations,  
4 as a high-level radioactive waste repository will  
5 ultimately result in a decision that rejects Yucca  
6 Mountain as the site for the repository given the  
7 conclusions in the preliminary site suitability  
8 evaluation report.

9           Should the Secretary of Energy recommend  
10 the Yucca Mountain site to the president, as I suspect  
11 he will, I request today that the Department of Energy  
12 and all of its contractors, verbally and in writing, as  
13 part of the record of this meeting, reaffirm and honor  
14 its commitments as stated in the Draft Environmental  
15 Impact Statement of 1999 and all previous documents as  
16 well as in accordance with its own and other applicable  
17 federal policies, to continue formal, meaningful  
18 government-to-government consultation with the CGTO  
19 tribes and to conducting all of the necessary and  
20 appropriate studies, including those that require the  
21 involvement and participation of Indian people in  
22 assessing the potential effects of the project on Indian

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23 lands and resources. The department of Energy has a  
24 written record of these commitments and our  
25 recommendations, so I will not repeat them here.

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1 I fully expect that the Yucca Mountain  
2 repository will one day be nominated and placed on the  
3 National Register of Historic Places. I would have  
4 preferred, however, that the mountain itself, as well as  
5 the surrounding area, been placed on the National  
6 Register as a sacred site and traditional cultural  
7 property rather than a place that signifies the historic  
8 achievements of science.

9 I look forward to the day when scientists,  
10 engineers, agencies and policy makers give serious  
11 consideration to, rather than simply acknowledge, the  
12 cultural value and importance of lands and resources  
13 taken for such projects to living Indian people on an  
14 equal basis with the nationwide scientific,  
15 technological, commercial and economic value currently  
16 accorded to them. Thank you for your time. And I have  
17 a copy for Carol Hanlon.